Remarks/Arguments:

Claims 1-9, 12, 16-20, 22-27, 30, 35, 37, 38, 40, and 47-50 are currently pending. Claims 1, 23, 37, 47, and 48 have been amended and are supported by paragraph 0012 of the specification as filed. It is respectfully submitted that no new matter has been added.

The Patent Office rejected claims 1-9, 12, 16, 17, 22-27, 30, 37, 38, 40, and 47-50 under 35 U.S.C. 103(a) as being unpatentable over Wang, U.S. Patent No. 6,990,453, in view of Barton, U.S. Published Patent Application No. 2002/0072982.

In Wang, landmarks and fingerprints are used to build a database 18. A media sample is captured 12 (Figure 1). Landmarks and fingerprints from the exogenous media sample are computed 14 and matched 16 through use of the database 18. Correspondences are generated 20 and a winning media sample file is located 22.

Wang discloses a sound source continually sampled into a buffer (column 21, lines 64-67). Sound parameters may be extracted from a sound buffer into fingerprints or other intermediate feature-extracted forms and stored in a second buffer (column 22, lines 19-21). New fingerprints may be added to the front of the second buffer while old fingerprints are discarded from the end of the buffer to form a rolling buffer (column 22, lines 22-24).

The method of Wang involves a search first performed on a first subset of sound files and only if the first search fails, then a search of second subset of sound files is performed (column 19, lines 23-34). Wang's method does not involve requesting the mobile station to provide a second set of features and does not appear amenable to modification to request a second set of features from the mobile station since the method of Wang involves a first search of highly used sound files only to be followed by a second search of less highly used sound files. Wang does not contemplate a request for a second set of features, as evidenced by Figure 1, in which Wang finds matching fingerprints 16 and then generates correspondences 20 with sample landmarks to find a winning sound file 22.

Wang does not disclose the subject matter of claim 1, a pertinent part of which is reproduced as follows:

> a request message that requests at least one additional feature that is
> a higher order extraction not directly extracted from the media
> sample itself

The Patent Office from page 4, line 24, through page 5, line 11, of the Final Office Action dated October 18, 2007, as follows:

In an analogous art, Barton teaches a system for identifying audio samples that includes a recursive feature for automatically requesting more information in order to narrow the search results to find the corresponding file. (Page 5 [0048 and 0049] the resolution of the derivation is coupled, in large measure, to the level of discrimination required in selecting, an event to be triggered. As the number of potentially triggered events increases, the necessity to resolve ambiguity in the sample also increases," Page 6 [0059] "the song excerpt may be increased in length, or a different excerpt may be furnished, in an iterative manner" until a song is identified and Page 7 [0067-0068]) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to implement resolution to resolve ambiguity of Barton. One of ordinary skill in the art would have been motivated to do this since it enables back and forth communication to resolve ambiguity. (Page 5 [0048-0049], Page 6 [0059] and Page 7 [0067-0068])

Barton, like Wang, does not disclose the subject matter of claim 1, a pertinent part of which is reproduced as follows:

a request message that requests at least one additional feature that is a higher order extraction not directly extracted from the media sample itself

In Applicant's claimed invention, a first set of features is extracted, a request for at least one additional feature is received, and a second set of features responsive to the request is extracted where a request message that requests at least one additional feature that is a higher order extraction not directly extracted from the media sample itself. Barton does not disclose or suggest this subject matter.

The Patent Office rejected claims 18-20 and 35 under 35 U.S.C. 103(a) as being unpatentable over Wang in view of Barton as applied to claims 1 and 23 above, and further in view of Ravago, U.S. Patent No. 6,529,584.

Ravago discloses an audio program delivery system (abstract) which provides audio content for a user through a telephone replay device (column 3, lines 21-35). A user may enter certain attributes and selections at an Internet website which an intelligent program generation module may use to create a customized program for that particular user (column 5, lines 42-53).

Ravago is not seen as particularly relevant to the independent claims since Ravago does not address media samples and the extraction of features from media samples. Ravago is seen to be cited only for its teachings specific to MPEG-7.

Ravago does not remedy the deficiencies of Wang and Barton. Ravago, like Barton and Wang, does not disclose the subject matter of claim 1, a pertinent part of which is reproduced as follows:

> a request message that requests at least one additional feature that is a higher order extraction not directly extracted from the media sample itself

Thus, claims 18-20 and 35 are allowable over the prior art of record.

The Patent Office is respectfully requested to reconsider and remove the rejections of the claims under 35 U.S.C. 103(a) based on Wang, Barton, and Ravago, alone or in combination, and to allow all of the pending claims 1-9, 12, 16-20, 22-27, 30, 35, 37, 38, 40, and 47-50 as now presented for examination. An early notification of the allowability of claims 1-9, 12, 16-20, 22-27, 30, 35, 37, 38, 40, and 47-50 is earnestly solicited.

Respectfully submitted:

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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